TITLE 825 INDIANA GRAIN INDEMNITY CORPORATION

ARTICLE 1. GRAIN INDEMNITY CORPORATION

Rule 1. Definitions

825 IAC 1-1-1 General definitions

Authority: IC 26-4-7-1
Affected: IC 26-4

Sec. 1. The definitions in IC 26-4 shall apply throughout this article. *(Indiana Grain Indemnity Corporation; 825 IAC 1-1-1; filed Sep 25, 1996, 10:00 a.m.: 20 IR 322; readopted filed Dec 2, 2002, 2:52 p.m.: 26 IR 1262; readopted filed Sep 29, 2009, 9:52 a.m.: 20091021-IR-825090504RFA; readopted filed Nov 24, 2015, 9:10 a.m.: 20151223-IR-825150329RFA; readopted filed Nov 10, 2021, 1:52 p.m.: 20211208-IR-825210391RFA)*

825 IAC 1-1-2 "Board" defined *(Expired)*

Sec. 2. *(Expired under IC 4-22-2.5, effective January 1, 2016.)*

825 IAC 1-1-3 "Corn" defined *(Expired)*

Sec. 3. *(Expired under IC 4-22-2.5, effective January 1, 2016.)*

825 IAC 1-1-4 "Corporation" defined *(Expired)*

Sec. 4. *(Expired under IC 4-22-2.5, effective January 1, 2016.)*

825 IAC 1-1-5 "Grain" defined *(Expired)*

Sec. 5. *(Expired under IC 4-22-2.5, effective January 1, 2016.)*

825 IAC 1-1-6 "Outstanding charges" and "all credits and offsets" defined

Authority: IC 26-4-7-1
Affected: IC 26-4-5; IC 26-4

Sec. 6. "Outstanding charges" and "all credits and offsets", as used in IC 26-4 and throughout this article, includes:
(1) moisture discounts and drying charges;
(2) foreign material discounts and quality discounts;
(3) storage charges;
(4) deferred pricing charges;
(5) marketing checkoffs; and
(6) all other deductions from the gross amount due to the producer on the sale of grain.

(Indiana Grain Indemnity Corporation; 825 IAC 1-1-6; filed Sep 25, 1996, 10:00 a.m.: 20 IR 323; readopted filed Dec 2, 2002, 2:52 p.m.: 26 IR 1262; readopted filed Sep 29, 2009, 9:52 a.m.: 20091021-IR-825090504RFA; readopted filed Nov 24, 2015, 9:10 a.m.: 20151223-IR-825150329RFA; readopted filed Nov 10, 2021, 1:52 p.m.: 20211208-IR-825210391RFA)

Rule 2. Registration of Grain Buyers *(Expired)*

(Expired under IC 4-22-2.5, effective January 1, 2016.)

Rule 3. Records of a Grain Buyer

825 IAC 1-3-1 Records

Authority: IC 26-4-7-1
Affected: IC 26-4-4

Sec. 1. Each grain buyer shall keep accurate and correct records of grain purchased from producers documenting the producer premiums paid by producers. Records shall be maintained by the grain buyer for a period of seven (7) years from the date of remittance of the producer premiums to the corporation. Such records shall be available to authorized agents of the corporation during normal business hours. *(Indiana Grain Indemnity Corporation; 825 IAC 1-3-1; filed Sep 25, 1996, 10:00 a.m.: 20 IR 323; readopted filed Dec 2, 2002, 2:52 p.m.: 26 IR 1262; readopted filed Sep 29, 2009, 9:52 a.m.: 20091021-IR-825090504RFA; readopted filed Nov 24, 2015, 9:10 a.m.: 20151223-IR-825150329RFA; readopted filed Nov 10, 2021, 1:52 p.m.: 20211208-IR-825210391RFA)*

825 IAC 1-3-2 Inspection and verification of records

Authority: IC 26-4-7-1
Affected: IC 26-4-4

Sec. 2. Each year that producer premiums are being collected, the board shall determine the number of randomly selected grain buyers to be audited; however, that number shall not be less than five percent (5%) of the total grain buyers in Indiana. In addition to randomly selected audits, the board may audit particular grain buyers on the basis of complaints, prior audit results, or other reasons determined by the board to be sufficient. *(Indiana Grain Indemnity Corporation; 825 IAC 1-3-2; filed Sep 25, 1996, 10:00 a.m.: 20 IR 323; readopted filed Dec 2, 2002, 2:52 p.m.: 26 IR 1262; readopted filed Sep 29, 2009, 9:52 a.m.: 20091021-IR-825090504RFA; readopted filed Nov 24, 2015, 9:10 a.m.: 20151223-IR-825150329RFA; filed Jan 20, 2017, 2:24 p.m.: 20170215-IR-825150330FRA)*

Rule 4. Producer Premiums

825 IAC 1-4-1 Collection of premiums *(Expired)*

Sec. 1. *(Expired under IC 4-22-2.5, effective January 1, 2016.)*

825 IAC 1-4-2 Calculation

Authority: IC 26-4-7-1
Affected: IC 26-4

Sec. 2. The amount of the producer premium, as defined in IC 26-4, shall be calculated using the gross sales price of the grain, including all premiums and discounts for moisture, quality, variety, or any other characteristic of the grain. The producer premium shall be calculated before the deduction of marketing assessments, storage, drying, cleaning, or any other service charge. *(Indiana Grain Indemnity Corporation; 825 IAC 1-4-2; filed Sep 25, 1996, 10:00 a.m.: 20 IR 323; readopted filed Dec 2, 2002, 2:52 p.m.: 26 IR 1262; readopted filed Sep 29, 2009, 9:52 a.m.: 20091021-IR-825090504RFA; readopted filed Nov 24, 2015, 9:10 a.m.: 20151223-IR-825150329RFA; readopted filed Nov 10, 2021, 1:52 p.m.: 20211208-IR-825210391RFA)*

825 IAC 1-4-3 Remittance to the corporation

Authority: IC 26-4-7-1
Affected: IC 26-4

Sec. 3. Each grain buyer shall, in accordance with the time frame set forth in IC 26-4, remit to the corporation the producer premium along with the remittance form provided by the corporation and completed by the grain buyer. *(Indiana Grain Indemnity Corporation; 825 IAC 1-4-3; filed Sep 25, 1996, 10:00 a.m.: 20 IR 324; readopted filed Dec 2, 2002, 2:52 p.m.: 26 IR 1262; readopted filed Sep 29, 2009, 9:52 a.m.: 20091021-IR-825090504RFA; readopted filed Nov 24, 2015, 9:10 a.m.: 20151223-IR-825150329RFA; readopted filed Nov 10, 2021, 1:52 p.m.: 20211208-IR-825210391RFA)*

825 IAC 1-4-4 Notification *(Expired)*

Sec. 4. *(Expired under IC 4-22-2.5, effective January 1, 2016.)*

Rule 5. New Producer Entry into the Program *(Expired)*

(Expired under IC 4-22-2.5, effective January 1, 2016.)

Rule 6. Claimants

825 IAC 1-6-1 Eligibility as a claimant

Authority: IC 26-4-7-1
Affected: IC 26-4

Sec. 1. A producer who requests a refund of producer premiums paid will, upon the producer's first refund request, not be eligible to be a claimant as of the date the refund check is issued to the producer by the board. *(Indiana Grain Indemnity Corporation; 825 IAC 1-6-1; filed Sep 25, 1996, 10:00 a.m.: 20 IR 324; readopted filed Dec 2, 2002, 2:52 p.m.: 26 IR 1262; readopted filed Sep 29, 2009, 9:52 a.m.: 20091021-IR-825090504RFA; readopted filed Nov 24, 2015, 9:10 a.m.: 20151223-IR-825150329RFA; readopted filed Nov 10, 2021, 1:52 p.m.: 20211208-IR-825210391RFA)*

825 IAC 1-6-2 Proof of eligibility as a claimant

Authority: IC 26-4-7-1
Affected: IC 26-4

Sec. 2. (a) The board may require a produce *[sic., producer]* to provide proof that the producer paid, or attempted to pay, producer premiums prior to validating a claim by the producer. The board may, however, based on information provided to the board, determine that the failure of the producer to pay producer premiums was not the fault of the producer, thereby allowing the producer to be an eligible claimant.

(b) When determining whether the failure of the producer to pay producer premiums was not the fault of the producer, the board shall consider:

(1) the previous record of payments by the producer;

(2) the records of the grain buyer as to collection of producer premiums; and

(3) other relevant evidence.

(Indiana Grain Indemnity Corporation; 825 IAC 1-6-2; filed Sep 25, 1996, 10:00 a.m.: 20 IR 324; readopted filed Dec 2, 2002, 2:52 p.m.: 26 IR 1262; readopted filed Sep 29, 2009, 9:52 a.m.: 20091021-IR-825090504RFA; readopted filed Nov 24, 2015, 9:10 a.m.: 20151223-IR-825150329RFA; readopted filed Nov 10, 2021, 1:52 p.m.: 20211208-IR-825210391RFA)

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